



Entered on Docket
September 23, 2011

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Gess Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Gess Loan," ("Gess Loan") [DE 8631] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on

1 **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
2 the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8631] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Gess Loan.

7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

14 3993 Howard Hughes Parkway, Ste. 600

15 Las Vegas, Nevada 89169-5996

16 Telephone: (702) 949-8320

17 Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:
1617 Counsel appearing: _____
1819 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
20 copy of this order with the motion pursuant to LR 9014(g), and that
21 no party has objected to the form or content of the order
22

14 U.S. Trustee: <u>Augie Landis</u>	15 <input type="checkbox"/> approved the form of this order	16 <input type="checkbox"/> disapproved the form of this order
17 <input checked="" type="checkbox"/> waived the right to review the 18 order and/or	19 <input type="checkbox"/> failed to respond to the document	20
Other Party: _____		
21 <input type="checkbox"/> approved the form of this order	22 <input type="checkbox"/> disapproved the form of this order	23
24 <input type="checkbox"/> waived the right to review the 25 order and/or	26 <input type="checkbox"/> failed to respond to the document	

21 Submitted by:
22 LEWIS AND ROCA LLP23 By: /s/ John Hinderaker. (AZ #018024)
24 Attorneys for USACM Liquidating Trust25 # # #
26

**USACM Trust
6425 Gess, Ltd.
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, Ltd. Loan
10725-01995	1/10/2007	Freeda Cohen Trust DTD 7/11/04	Freeda Cohen Tee C/O Rosalind L Stark 10905 Clarion Ln Las Vegas, NV 89134 4/13/97	101,432.76	50,716.38
10725-00215	9/29/2006	Harvey, Roderick J Sr & Pauline W	Trustees Of Harvey Family Trust, Dtd Donna M Osborn Esq Marquis & Aurbach 10001 Park Run Drive Las Vegas, NV 89145 C/O Francis Howard Trustee 7 Commerce Center Dr Suite A	50,000.00	50,000.00
10725-01871	1/5/2007	Jason Kefalas Trust	Henderson, NV 89014 C/O John T & Janet F Mrasz Trustees PO Box 38 Sun Valley, CA 91353-0038	50,000.00	50,000.00
10725-00345	9/28/2006	John & Janet Mrasz Trust DTD 12/2/04	C/O John T & Janet F Mrasz Trustees PO Box 38 Sun Valley, CA 91353-0038	100,000.00	100,000.00
10725-00352	9/28/2006	John T Mrasz Ent Inc Defined Benefit Plan DTD 5/86	C/O Joyce Bombard Trustee 8122 Dark Hollow Pl Las Vegas, NV 89117-7618	100,000.00	100,000.00
10725-00787	10/27/2006	Joyce Bombard 2000 Trust DTD 11/1/00	26180 Via Del San Francisco Daphne, AL 86528-5107	100,000.00	100,000.00
10725-01566	12/7/2006	Juno, Sharon	Po Box 370400 Las Vegas, NV 89137-0400	17,500.00	17,500.00
10725-01603	12/8/2006	Kiwi Nevada Lp	Laguna Paloma Inc Virginia Swilley Pres	54,183.35	54,183.35
10725-01497	11/29/2006	Marston, John M & Linda S	C/O George Swilley 2714 North Peach Hollow Cir Pearland, TX 77584 12441 Road 44 Mancos , CO 81328-9213	6,464.66	6,464.66
10725-00872	11/1/2006	Messersmith, RG & Deaun	2705 Sun Meadow Dr. Twin Falls, ID 83301-8968	136,119.67	136,119.67
10725-01285	11/10/2006		Unknown	Unknown	Unknown

EXHIBIT A